

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-46 are pending in the application, with claims 1, 9, 17, 23, 31, 35, and 38 being the independent claims.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Claims

Paragraph 1 of the Claim Objections section of the Office Action objects to claims 23-30 and 45-46 as allegedly having no support in the specification. Applicants respectfully traverse the objection.

The language of claims 23-30 and 45-46 apparently at issue is "tangible computer readable storage medium." Applicants respectfully submit that the specification supports this recitation without change. For example, paragraph [0068] of the present specification recites, in part, "[s]uch software can be disposed in any known computer usable medium including semiconductor, magnetic disk, optical disk (e.g. CD-ROM, DVD-ROM, etc.)[.]" It is indisputable that those having skill in the relevant art would recognize "semiconductor, magnetic disk, optical disk (e.g. CD-ROM, DVD-ROM, etc.)" as examples of a "tangible computer readable storage medium." Applicants respectfully submit any contrary assertion lacks any serious foundation. Indeed, the recommendation in the Office Action to amend the specification to read "[s]uch software can be disposed in any known computer usable medium including

computer readable storage medium such as semiconductor, magnetic disk, optical disk (e.g. CD-ROM, DVD-ROM, etc.)...." mandates this very conclusion. That is, to make the recommendation, the Examiner must have clearly understood that "semiconductor, magnetic disk, optical disk (e.g. CD-ROM, DVD-ROM, etc.)" are examples of "computer readable storage medium."

In essence, the objection amounts to nothing more than requiring Applicants to use the exact words from the specification in the claims. This requirement is contrary to well-established law. Simply stated, there is no requirement that the language of the claims appear *ipsis verbis* in the specification. *Ex Parte Holt*, 19 U.S.P.Q. 2d 1211 (1991) (restating that "it is well established that the invention claimed need not be described *ipsis verbis* in order to satisfy the disclosure requirement of § 112"); MPEP § 2163(II)(A)(3)(a) (If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 U.S.P.Q. 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient") (Emphasis added).

For these reasons, Applicants submit that is unnecessary to amend the specification as suggested by the Examiner and maintain that the present specification sufficiently supports the language of claims 23-30 and 45-46. Applicants respectfully request that the Examiner reconsider and withdraw the present objection to the claims.

Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, claims 1-4, 7-12, 15-20, 23-26, 29-41, 43, and 44-46 under 35 U.S.C. § 102(b) were rejected as being anticipated by U.S. Patent No. 6,430,674 to Trivedi *et al.* (hereinafter Trivedi). For at least the following reasons, Applicants respectfully request the Examiner reconsider and withdraw the rejection.

Claim 1 recites, in part, "**a first recoder**; and a **second recoder** coupled to the **first recoder**." (Emphasis added). Applicants respectfully submit that Trivedi does not disclose a *first* recoder **and** a *second* recoder. The Examiner contends that in Figure 3 of Trivedi, reference 306 or the "circuitry" discussed at col. 4 lines 17-33 of Trivedi discloses one of a first or second recoder. The reference 306, labeled "Detector," is used to detect the presence of a mode switch instruction and generate a speculative wake up. (See Fig. 3 reference 306, col. 4 lines 24-33, and col. 6 lines 29-55). Reference 306 is not a recoder as the Examiner suggests. A recoder recodes instructions, as recited in part by claim 1, "the second recoder recodes a second instruction belonging to the first instruction set architecture[.]" Neither in the Figures nor in the specification of Trivedi is it disclosed that reference 306 recodes an instruction. Therefore, even if the Applicants were to concede, which they do not, that reference 302c of Figure 3 of Trivedi, labeled "Translator," is a recoder, then there would still only be one recoder disclosed in Trivedi. Thus, since there is not "a first" and "a second recoder" disclosed in Trivedi, Trivedi does not disclose each and every element of claim 1.

Claims 9, 17, and 23 were each rejected for the same reasons set forth in the rejection of claim 1 above. Applicants, for the same reasons as above, submit that that Trivedi does not anticipate all of the elements of claims 9, 17, and 23.

Claim 31 recites, in part, "dispatching the expand instruction and the expandable instruction[.]" Applicants respectfully submit that Trivedi does not disclose dispatching an expand instruction and an expandable instruction. The Examiner equates the expand and expandable instruction to a prefix instruction and a target instruction. (Page 7 of 6/6/08 OA). Applicants submit that Trivedi also does not teach the dispatching of a prefix instruction and a target instruction. For at least these reasons, Trivedi does not disclose each and every element of claim 31.

Claims 35 and 38, although not reciting the same language as claims 1, 9, 17, and 23, do each contain as part of the claim a "first recoder" and a "second recoder." As advanced above, Trivedi does not disclose a "first recoder" and a "second recoder." Therefore, Applicants submit that Trivedi does not anticipate claims 35 and 38.

Claims 2-4 and 7-8 are dependent on independent claim 1 and since Trivedi does not anticipate independent claim 1, it also does not anticipate dependent claims 2-4 and 7-8.

Claims 10-12 and 15-16 are dependent on independent claim 9 and since Trivedi does not anticipate independent claim 9, it also does not anticipate dependent claims 10-12 and 15-16.

Claims 18-20 are dependent on independent claim 17 and since Trivedi does not anticipate independent claim 17, it also does not anticipate dependent claims 18-20.

Claims 24-26 and 29-30 are dependent on independent claim 23 and since Trivedi does not anticipate independent claim 23, it also does not anticipate dependent claims 24-26 and 29-30.

Claims 32-34 are dependent on independent claim 31 and since Trivedi does not anticipate independent claim 31, it also does not anticipate dependent claims 32-34.

Claims 36-37 are dependent on independent claim 35 and since Trivedi does not anticipate independent claim 35, it also does not anticipate dependent claims 36-37.

Claims 39-41, 43, and 44-46 are dependent on independent claim 38 and since Trivedi does not anticipate independent claim 38, it also does not anticipate dependent claims 39-41, 43, and 44-46.

For at least the reasons stated above, Applicants respectfully request that the 35 U.S.C. § 102(b) rejections be removed from claims 1-4, 7-12, 15-20, 23-26, 29-41, 43, and 44-46 and that these claims be allowed.

Rejections under 35 U.S.C. § 103

On page 11 of the Office Action, claims 5, 6, 13, 14, 21, 22, 27, 28, 42, and 44 under 35 U.S.C. § 103(a) were rejected as allegedly being upatentable over Trivedi in view of Common Art. For at least the following reasons, Applicants respectfully request the Examiner reconsider and withdraw the rejection.

Claims 5, 6, 13, 14, 21, 22, 27, 28, 42, and 44 are dependent on independent claims 1, 9, 17, 23, 31, 35, and 38 respectively and since Trivedi does not teach or suggest all of the elements of the independent claims 1, 9, 17, 23, 31, 35, and 38, it also does not teach or suggest all of the elements of dependent claims 5, 6, 13, 14, 21, 22, 27, 28, 42, and 44. Applicants respectfully submit the Common Art does not overcome the deficiencies of Trivedi.

For at least these reasons, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections be removed from claims 5, 6, 13, 14, 21, 22, 27, 28, 42, and 44 and that these claims be allowed.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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